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60,010-074; H2678-SS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Calvin Mann
Serial Number: 10/766,066
Filed: January 28, 2004
Group Art Unit: 1742
Examiner: Nicholas A. Smith
Title: ASSEMBLY FOR MAINTAINING COMPRESSION FOR
ELECTRICAL CONTACT OF THE ACTIVE AREA OF AN
ELECTROCHEMICAL CELL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

This paper is responsive to the non-final office action mailed on September 1, 2006.
Please amend the Application in the following particulars.

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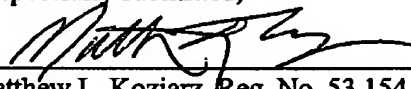
concentric array of wave springs but that "one of ordinary skill in the art would be able to construct a circular array of wave springs to cover a circular area." The Examiner is using impermissible hindsight to speculate that one of ordinary skill in the art would be able to construct a circular array. The rejection provides no evidentiary basis to support the Examiner's opinion that one of ordinary skill would be able to do what the Examiner contends. Therefore, the burden remains with the Examiner to provide a secondary reference to establish *prima facie* obviousness.

Regarding claims 11 and 19, the Examiner argues that it would have been obvious to combine de Nora's apparatus with one resilient member on the cathode cavity with a resilient member on the anode cavity "in order to maintain multiple points of anode contact in a small fashion." The rejection fails to state any benefit to making the proposed modification. The statement that the modification would "maintain multiple points of anode contact in a small fashion" says nothing about an advantage to "maintaining multiple points of anode contact in a small fashion" that would motivate one to make the proposed combination. Therefore, the burden remains with the Examiner to establish *prima facie* obviousness.

Regarding claims 12 and 19, the rejection fails to state any reason, suggestion, or motivation to make the proposed modification to the base reference. For this reason, the burden remains with the Examiner to establish *prima facie* obviousness.

The Commissioner is authorized to charge \$50 for one additional dependent claim to Deposit Account No. ⁵⁰¹⁴⁹²~~98-0835~~ in the name of Hamilton Sundstrand. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge the account for any additional fees or credit the account for any overpayment.

Respectfully submitted,


Matthew L. Koziarz, Reg. No. 53,154
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: December 1, 2006